

1-1 By: Flynn (Senate Sponsor - Deuell) H.B. No. 2612
 1-2 (In the Senate - Received from the House May 9, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on
 1-4 Transportation; May 17, 2013, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | | | X | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | | | X | |
| 1-16 | X | | | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to prohibitions and restrictions on using county roads in
 1-20 certain circumstances.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section 251.157, Transportation
 1-23 Code, is amended to read as follows:

1-24 Sec. 251.157. PROHIBITING OR RESTRICTING USE OF ROAD.

1-25 SECTION 2. Sections 251.157(b), (c), (e), and (f),
 1-26 Transportation Code, are amended to read as follows:

1-27 (b) A road supervisor may prohibit or restrict, if an
 1-28 alternative, more suitable road is available within the county at
 1-29 the time, the use of a road or a section of a road under the
 1-30 supervisor's control by any vehicle that will unduly damage the
 1-31 road when:

1-32 (1) because of wet weather or recent construction or
 1-33 repairs, the road cannot be safely used without probable serious
 1-34 damage to it; or

1-35 (2) a bridge or culvert on the road is unsafe.

1-36 (c) Before prohibiting or restricting the use of a road
 1-37 under this section, the road supervisor shall post notices that
 1-38 state the road and the expected duration of the prohibition or
 1-39 restriction, and identify the alternate route [maximum load
 1-40 permitted and the time the use of the road is prohibited]. The
 1-41 notices must be posted at locations that enable drivers to detour to
 1-42 avoid the restricted road.

1-43 (e) If the owner or operator of a vehicle that is prohibited
 1-44 or restricted from using a road under this section is aggrieved by
 1-45 the prohibition or restriction, the person may file with the county
 1-46 judge of the county in which the restricted road is located a
 1-47 written complaint that sets forth the nature of the grievance. On
 1-48 the filing of the complaint the county judge promptly shall set the
 1-49 issue for a hearing to be held not later than the third day after the
 1-50 date on which the complaint is filed. The county judge shall give
 1-51 [to] the road supervisor, the county engineer, and the
 1-52 commissioners court written notice of the date and purpose of each
 1-53 hearing.

1-54 (f) The county judge shall hear testimony offered by the
 1-55 parties. On conclusion of the hearing, the county judge shall
 1-56 sustain, revoke, or modify the road supervisor's decision on the
 1-57 prohibition or restriction. The county judge's judgment is final
 1-58 as to the issues raised.

1-59 SECTION 3. Subchapter E, Chapter 251, Transportation Code,
 1-60 is amended by adding Section 251.1575 to read as follows:

1-61 Sec. 251.1575. PROHIBITING USE OF ROAD FOR CERTAIN

2-1 VEHICLES. (a) A commissioners court may identify an alternate
2-2 route to a road and require heavy vehicles to travel the alternate
2-3 route in order to prevent excessive damage to the road due to the
2-4 volume of traffic by heavy vehicles. An alternate route identified
2-5 under this subsection must be:

2-6 (1) of sufficient strength and design to withstand the
2-7 weight of the vehicles traveling the alternate route, including any
2-8 bridges or culverts along the road; and

2-9 (2) located within the same county as the road
2-10 described by this subsection.

2-11 (b) Notice of the prohibition must be provided in the same
2-12 manner as for a prohibition or restriction under Section 251.157.

2-13 (c) A person who is required to operate or move a vehicle or
2-14 other object on an alternate route identified under this section is
2-15 not liable for damage sustained by the road, including a bridge, as
2-16 a result of the operation or movement of the vehicle or other
2-17 object, unless the act, error, or omission resulting in the damage
2-18 constitutes:

2-19 (1) wanton, wilful, and intentional misconduct; or

2-20 (2) gross negligence.

2-21 SECTION 4. This Act takes effect immediately if it receives
2-22 a vote of two-thirds of all the members elected to each house, as
2-23 provided by Section 39, Article III, Texas Constitution. If this
2-24 Act does not receive the vote necessary for immediate effect, this
2-25 Act takes effect September 1, 2013.

2-26 * * * * *